

Application No. 10/709,346
Docket No. 03-0196
April 25, 2006

REMARKS

Reconsideration of the application in view of the following remarks is requested.

Claim Rejections – 35 U.S.C. § 112

Claims 1-29 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as their invention. Specifically, it was apparently not clear to the Examiner whether “bright object” is different from “plurality of objects” in “a bright object or a plurality of objects” in claims 1 and 10. Accordingly, the Examiner also rejected claims that depend from claims 1 and 10. In addition, in claim 21, it was apparently not clear to the Examiner “whether the determined vehicle *inertial* attitude (step g) is the same as a specific vehicle attitude (as established at line 1)” (*italics in original*). Accordingly, the Examiner also rejected claims linking claim 21. The rejections are respectfully traversed.

With respect to claims 1 and 10 (and all claims that depend therefrom), the step of calculating (or determining) a stayout zone may be performed for either only one bright object, see, e.g., Fig. 4 and accompanying description therefor in paragraphs [0032] to [0034] in the specification, or a plurality of bright objects, see, e.g., Fig. 5 and accompanying description therefor in paragraphs [0035] to [0038] in the specification. Thus, in response to the Examiner’s specific query, “bright object” is different from “plurality of objects” as just explained.

With respect to claim 21 (and all claims linking claim 21), Applicants use the terms “inertial attitude” and “attitude” interchangeably throughout the specification and the claims. Accordingly, in response to the Examiner’s specific query, the determined “vehicle inertial attitude” (step g) is the same as “vehicle attitude” in line 1 of claim 21.

Application No. 10/709,346
Docket No. 03-0196
April 25, 2006

Claim Rejections – 35 U.S.C. § 102(b)

The rejection of claims 1-20, 30, and 31 under 35 U.S.C. § 102(b) as being anticipated by Bender et al. (U.S. Patent No. 5,412,574) is respectfully traversed.

Specifically, with respect to claims 1, 9, 10, 18-20, and 30, the stayout zone of Bender is not the same as the stayout zone of Applicants' invention. In Bender, the stayout zone is defined relative to "spacecraft appendages" (column 5, lines 56 and 63) or as "a function of the star tracker's sunshade design" (column 6, lines 4-5). In contrast, however, the stayout zone in Applicants' invention is associated with a bright object or a plurality of objects, as described in paragraphs [0009], [0032], and numerous other places in the specification and claims. Thus, Applicants respectfully disagree that Bender teaches the step of determining a star in the stayout zone as the Applicants' invention.

Likewise, because of the differences between Bender's and the Applicants' stayout zones, as described above, it necessarily follows that the Examiner's rejection of claims 2, 3, 11, and 12 as anticipated because Bender purportedly teaches or discloses both a circular stayout zone and a non-circular stayout zone is unavailing.

Applicants also respectfully traverse the Examiner's assertion regarding claims 6 and 15 that Bender further teaches the exclusion of a star based upon the properties of the star or the object. Bender (column 4, lines 10-16) specifically states that the "detected or imaged light is then filtered to eliminate light sources *other than the stars*" (*italics added*). Thus, the star is not excluded, as the Examiner asserts. In contrast, Applicants' invention discloses and claims excluding stars within the stayout zone.

The Examiner's assertions with respect to dependent claims 2, 3, 11, and 12; 4, 5, 13, and 14; 7 and 16; and 8 and 17 are likewise unavailing but in any event moot because Bender does not teach the limitations of the claims from which they depend, i.e.,

Application No. 10/709,346
Docket No. 03-0196
April 25, 2006

claims 1 and 10, as discussed above. Thus Bender likewise does not teach the limitations of such dependent claims.

Given that Bender does not teach all the limitations of the present application, the rejection of claims 1-20, 30, and 31 as being anticipated by Bender should be withdrawn and the claims allowed.

Allowable Subject Matter

The Examiner stated that claims 21-29 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. ¶ 112, second paragraph. Applicants believe that the remarks set forth above overcome the rejections under 35 U.S.C. ¶ 112, second paragraph, without the need to rewrite or amend claims 21-29. Accordingly, Applicants respectfully request that claims 21-29 be allowed.

Conclusion

In view of the remarks above, Applicants respectfully submit that the present application is in condition for allowance. Accordingly, issuance of a Notice of Allowance is respectfully requested. Please charge any fees required or credit any overpayment in the filing of this amendment to deposit account 50-3195.

Respectfully submitted,

Dated: New York, New York
April 25, 2006

OSTRAGER CHONG FLAHERTY
& BROITMAN P.C.
Customer No. 44702

By: Andres N. Madrid
Andres N. Madrid
Registration No. 40,710

250 Park Avenue, Suite 825
New York, New York 10177-0899
Telephone: (212) 681-0600
Fax: (212) 681-0300